

**UNITED STATES DISTRICT COURT  
MIDDLE DISTRICT OF FLORIDA  
TAMPA DIVISION**

**UNITED STATES OF AMERICA**

**v.**

**Case No. 8:03-CR-77-T-30TBM**

**HATEM NAJI FARIZ**

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**MOTION FOR LEAVE TO FILE MOTION IN LIMINE TO PRECLUDE  
ATTACKS EVIDENCE UNDER SEAL**

Defendant, Hatem Naji Fariz, by and through undersigned counsel, respectfully requests that this Honorable Court permit Mr. Fariz to file his Motion in Limine to Preclude Attacks Evidence under seal. As grounds in support, Mr. Fariz states:

1. Counsel for Mr. Fariz has prepared a motion in limine to preclude attacks evidence that discusses, *inter alia*, anticipated testimony that the government may elicit concerning the attacks in the Middle East. Mr. Fariz's motion addresses the anticipated testimony based on the government's proposed stipulation concerning three alleged overt acts and two events allegedly referenced in overt acts, including victims' names and details concerning the events.

2. In accordance with the Court's Protective Order governing the use of certain Israeli evidence, Mr. Fariz respectfully requests permission to file the motion and its attachment under seal. The Protective Order provides that materials that "contain highly personal information about the victims of the bombings and alleged terrorists attacks, such as their medical reports, autopsy reports, and related photographs, which are necessary to be

filed with the court shall be filed with the court under seal.” (Doc. 485 at 3). While the motion only addresses anticipated testimony, and does not attach any reports or photographs, Mr. Fariz requests permission to file this motion under seal given the sensitive and descriptive nature of the potential testimony and the use of victims’ names.

WHEREFORE, Defendant, Hatem Naji Fariz, respectfully requests permission to file his Motion in Limine to Preclude Attacks Evidence under seal.

Respectfully submitted,

R. FLETCHER PEACOCK  
FEDERAL PUBLIC DEFENDER

/s/ M. Allison Guagliardo  
M. Allison Guagliardo  
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Attorney for Defendant Fariz

**CERTIFICATE OF SERVICE**

I HEREBY CERTIFY that on this 19th day of July, 2005, a true and correct copy of the foregoing has been furnished by CM/ECF and hand delivery, to Walter Furr, Assistant United States Attorney; Terry Zitek, Assistant United States Attorney; Cherie L. Krigsman, Trial Attorney, U.S. Department of Justice; Alexis Collins, Trial Attorney, U.S. Department of Justice; William Moffitt and Linda Moreno, counsel for Sami Amin Al-Arian; Bruce Howie, counsel for Ghassan Ballut; and to Stephen N. Bernstein, counsel for Sameeh Hammoudeh.

/s/ M. Allison Guagliardo  
M. Allison Guagliardo  
Assistant Federal Public Defender